

United States Courts  
Southern District of Texas  
FILED

OCT 11 2018

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Anuar Barchir Azzam

## CRIMINAL COMPLAINT

Case Number: 2:18mj4468

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 10, 2018 in Brooks County, in the Southern District of Texas defendant, Anuar Barchir Azzam

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Juan Rojas

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

October 11, 2018

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

Juan Rojas  
Signature of Complainant  
Juan Rojas  
Printed Name of Complainant

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

## AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### FACTS/PROBABLE CAUSE:

On October 10, 2018, a Chevy Malibu entered the primary inspection lane at the U.S. Border Patrol Checkpoint, located near Falfurrias, Texas. The primary agent was about to conduct an immigration inspection upon the driver, later identified as Anuar Barchir Azzam, when he noticed the K9 handler's Service canine alerting to the vehicle. The K9 handler signaled the primary agent to hold the vehicle in primary. While the K9 handler was conducting his search, the agent questioned the driver to his citizenship and when he responded the agent noticed Azzam came very nervous. The K9 handler informed the agent that his canine was alerting to the back of Azzam's vehicle. Azzam was asked for consent to open the trunk of his vehicle. Azzam nervously said "Yes sir" and slowly began to press the trunk release button. Once the trunk of the vehicle was opened two concealed humans were laying in the trunk of the vehicle. The individuals were immediately interviewed by the K9 handler and determined to be illegal aliens. The individuals were later identified as Nestor Lopez-Lopez and Olman Fernando Cruz-Benitez.

### MIRANDA WARNINGS:

Principal: Anuar Barchir Azzam

Anuar Barchir Azzam was read his Miranda Rights and Warnings in his preferred language of English, as per Service Form CBP I-214. Azzam signed the form stating that he read and understood his rights but was not willing to make a statement without a lawyer present.

Anuar Barchir Azzam was the driver in an administrative alien smuggling case dated July 12, 2013.

Anuar Barchir Azzam was a co-principal designated as the caretaker of the stash house in an administrative alien smuggling case dated April 14, 2014.

### MIRANDA WARNINGS:

Material Witness: Olman Fernando Cruz-Benitez

Olman Fernando Cruz-Benitez was read his Miranda Rights and Warnings in his preferred language of Spanish, as per Service Form CBP I-214. Cruz signed the form stating that he read and understood his rights and was willing to make a statement without a lawyer present.

### VIDEO STATEMENT SUMMARY:

Material Witness: Olman Fernando Cruz-Benitez

Olman Fernando Cruz-Benitez stated that he illegally crossed the Rio Grande River approximately 19 days ago. Cruz stated that he stayed at a stash house until on today's date, 10/10/2018, a male subject showed up to the house and told them they would be leaving. Cruz

stated that the unknown male subject instructed them to get into the trunk of the vehicle and he closed the trunk on them. Cruz stated they traveled for about 10-15 minutes and then he felt the car come to a stop.

Cruz stated they were there for approximately 10-15 minutes. Cruz heard one of the doors open and close and heard voices. Cruz stated that he heard noise like a tire shop. Cruz stated that once the car began to move again, it did not stop again until reaching the checkpoint. Cruz stated he was charged \$3,000.00 USD to get to Houston, Texas.

Cruz was able to positively identify the driver in a photo lineup as being present while they were getting inside of the trunk.

#### MIRANDA WARNINGS:

Material Witness: Nestor Lopez-Lopez

Nestor Lopez-Lopez was read his Miranda Rights and Warnings in his preferred language of Spanish, as per Service Form CBP I-214. Lopez signed the form stating that he read and understood his rights and was willing to make a statement without a lawyer present.

#### VIDEO STATEMENT SUMMARY:

Material Witness: Nestor Lopez-Lopez

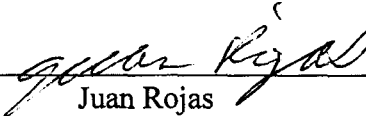
Nestor Lopez-Lopez stated that he crossed illegally near Hidalgo and taken to a stash houses. Lopez stated that on October 10, 2018 the caretaker told them to get ready because they were going to get transported to San Antonio. Lopez stated that a different caretaker told them to go outside and get in the trunk of a white Chevrolet Malibu and that they were going to be smuggled through the checkpoint. Lopez stated that he also instructed them once they felt speed bumps, it meant that they were almost at the checkpoint and told them not to move nor make noise. Lopez stated that he also told them that the checkpoint was 45-60 minutes away.

Lopez stated that after he closed the trunk, the car took off immediately. Lopez stated that they traveled for 20 minutes and he felt the car stop. Lopez stated that he thinks that they were at a tire shop because he could hear an air compressor and he heard someone was putting air in one of the tires. Lopez stated that he could hear a man speaking in English with another man. Lopez stated that they were there for approximately 15 minutes while they were there, a man opened the trunk slightly and tossed two Gatorades and told them "one for each one." Lopez stated that he understands English because he has lived in the United States in the past and could understand what they were saying.

Lopez stated that after the 15 minutes past, he felt the car start to move again. Lopez stated that they traveled for approximately 40 minutes and did not make any other stops until they arrived at the checkpoint.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted prosecution on Anuar Barchir Azzam for violating Title 8 USC 1324, alien smuggling. Olman Fernando Cruz-Benitez and Nestor Lopez-Lopez are being held as a material witnesses in this case.

  
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Juan Rojas  
Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found on the:

  
\_\_\_\_\_  
B. Janice Ellington  
United States Magistrate Judge